THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5722 of 2007

Date: 22.03.2007

Between:

Ganto Manok Kumar and others

....Petitioners

and

The District Registrar, Registration and
Stamps Department, Visakhapatnam and others

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5722 of 2007

O R D E R:

The petitioners state that a General Power of Attorney was executed in their favour on 17.4.2004, in respect of the land, covered under Patta No. 27 in an extent of 0.96 cents situated at Adavivaram village, Chinagadhili Mandal, Gopalapatnam, Visakhapatnam District. According to them, the said General Power of Attorney was presented to the second respondent for registration. The grievance of the petitioners is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey numbers. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme

Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondents to refuse registration had disappeared, they are under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondents to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

22nd March, 2007.
Note: CC in three days.
Bo cvm

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77